

ERNA McARTHUR (UNITED STATES) *v.* AUSTRIA

*(May 11, 1929. Page 116.)*

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This claim is put forward on behalf of Erna McArthur, born an Austrian national, who acquired American nationality on July 6, 1912, through her marriage to Albert Chase McArthur, an American citizen.

Claimant inherited from her father, who died April 17, 1916, funds which, after being supplemented by her mother, were invested in various War Loan bonds having a total face value of kronen 410,000. The claimant seeks an award for damages alleged to have been sustained by her through the alleged application of exceptional war measures to these bonds by the Government of the former Austrian Empire.

The case has been carefully prepared, and the evidence submitted and the voluminous briefs have had the careful consideration of the Commissioner in the light of the provisions of the Treaty of Vienna as construed in the previous decisions of this Commission. It would serve no useful purpose here to repeat and apply to the facts as disclosed by this record what has already been stated in those decisions.

The Commissioner finds that the claimant has failed to discharge the burden resting on her to prove any loss or damage for which Austria is financially obligated under the terms of the Treaty of Vienna.

The Commission decrees that under the terms of the Treaty of Vienna the Government of Austria is not obligated to pay to the Government of the United States any amount on behalf of Erna McArthur, claimant herein.

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